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"Congratulations on your book 'McDonald of Oregon,' which I have begun to read, and which will probably spoil another night for me. I am glad that you can shout Eureka! while I am still in the tub. For years I have been trying to ferret out Ranald McDonald's whereabouts and personality, or footprints on the sands of time, but all inquiries and postage stamps, and machine made and autograph letters were alike in vain. But I am glad that you have found out the person and the facts, and added some prisms of fancy to make a winsome 'Tale of Two Shores.' I am hoping some day to write more fully the story of the January and February of Japan's present June, and show some of the secrets of the outflowing of a nation. I am glad you have fulfilled my prophesy, that the story of McDonald would one day be fully written, and wish you all success."

These notes will give the reader an idea of how this latest Pacific Coast book came to be written, of the troubles of the enthusiastic and industrious author in getting together her materials and information, and of the value of the work to us all on this Pacific Coast. In connection with her historical and literary labors Mrs. Dye has, during the past few years, got together thousands of letters, pamphlets, reports, manuscripts, documents, etc., with which she has richly endowed the Oregon Historical Society, securing which, cost her much trouble and much money, and the value of which is very great.

THOMAS W. PROSCH.

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**The Electoral System of the United States.** By J. Hampden Dougherty. (New York: Putnam's Sons.)

This is the most elaborate history of the electoral count so far published, and traces in a very satisfactory manner the struggles over the electoral count from 1789 to the passage of the Act of 1887. This history of the count is followed by a chapter on the Appointments of Electors, another on the amendments offered relative to the elective system, and finally a suggested remedy by the author.

After one has read this carefully written work through he cannot help being struck by what seems to be an utter incapacity of Congress to deal with a question that has not been made a vital issue between political parties. That the subject of the electoral count has been of vital importance we all know and that it may again become such the author clearly shows, and yet almost every attempt at securing a remedy has been a questionable makeshift. The reason why the framers of the constitution did not provide for some adequate means of counting disputed returns, is of course known to all. Under the system laid down by them it was hard to see how disputed returns could

arise. Yet in the infancy of our government we radically changed, in practice, the methods of selecting a president and this new wine in old bottles has made us no end of trouble. "The country has twice been brought to the brink of revolution" because the constitution which simply says, "the votes shall then be counted" has not told us who shall count them, or even what a vote legally is.

The ordinary layman, unversed in the metaphysics of constitutional law would simply say the constitution has not provided for this emergency. Not so a constitutional lawyer, for he must deduce a constitutional theory to decide the question. And so in every emergency we have had equally great lawyers arguing that the president of the Senate should count, that both houses of Congress should count, that neither has the right. More than that they have not been able to decide with any degree of unanimity what the word count means. Does it simply mean add up? If so, what shall we add in case of disputed returns? and if we must determine which votes to exclude what shall be our criterion and who shall exercise the function?

But the worst is yet to come, after we have "counted" we have not been able to tell who did the counting.

Speaking of the election of 1800, the late Alex. Johnson said "the president of the Senate passed the certificates to the tellers of the two Houses, who "counted" them in the proper meaning of the word. The certificates of election which were made out by order of Congress from 1797 until 1821, all contained the distinct affirmation that the president of the Senate did, . . . . open all the certificates and count all the votes of the electors." (p. 59). In harmony with Prof. Johnson's views, we find those of Pinckney in 1800, and of John Randolph in 1821.

McKnight, in his work on the Electoral Count, states the opposite view as to who did the counting. He holds that the two Houses did the counting in every election from 1793 on, and Congress seems to have taken this view of the matter as is shown by the concurrent orders and standing joint rules through which they carried out the process.

In the case of Missouri's vote in 1821 Congress could not even decide whether or not Missouri was a state or a territory and did not so far as that count was concerned.

"When the electoral count was made in 1869 the scenes of tumult and disorder eclipsed even the violent occurrences of 1857. A stormy debate followed in the House, lasting three days after the count was completed," and the acrimonious discussion "exhibited the same discordant views that had appeared in every preceding debate in Congress."

In the case of Horace Greeley, who died after the general election and before the electoral votes were counted we find Congress-

man Hoar objecting that Greeley was dead, "and was not a **person** within the meaning of the Constitution." The House supported this view, while the Senate decided in substance that he was a "**person** within the meaning of the Constitution."

The vote of Arkansas having been questioned, we find the dignified Senate going through this farce, as described by Senator Sherman:

"Each senator went up to the desk and examined the paper, and without having time to look at the law, without having even time to send to the library to see what the constitution of Arkansas required, we fell into the error of supposing a fact which did not exist. That the State of Arkansas had a seal, and therefore we rejected the vote of that state because of the want of a state seal to the certificate." (p.88.)

Coming down to the electoral commission act of 1877, Mr. Dougherty briefly sums up the net gain resulting from all this discussion as follows. "The outcome of practically one hundred years of discussion of a brief clause of the constitution was a law confessedly temporary in its operation, in which the doubts of a century are crystalized into statutory form." (p. 133).

The author's discussion of this disputed case is luminous, and we are prepared to expect that the learned judges on that commission would, like the learned lawyers of Congress fail to throw any light on the question. The commission left all the open questions exactly as they had been but they did decide to count the votes without going behind the returns, as the phrase goes, and that decision was by a strictly party vote—eight to seven.

Ten years later we have passed the act of 1887, which comes in for severe criticism at the author's hands. In the first place it lengthens the time between the general election and the meeting of the Electoral College, thus "giving opportunity for all sorts of political intrigues and tempts us into the very dangers against which the inventors of the electoral system aimed to protect us". Moreover, it is a clear usurpation by Congress. Where does Congress get the power to say as it does (section 2), that if a state does not settle its contest over electors at least six days before the day set for the electoral count, its vote shall not be counted? Furthermore, such settlement must be made by a law passed before such a contest arises. Not a single state has so far provided such a law. In case a dispute arises in a given state what more natural than for that state to **then** provide a law, and, will a vote under such circumstances be thrown out?

Another possible difficulty deserves pointing out. Suppose Jas. G. Blaine had been elected in 1892 (as he might very well have been, had he been willing to run), as his death occurred on

January 27, 1893, who would have been the constitutional successor of President Harrison? The whole subject is worthy of careful study and may be fraught with serious consequences.

In regard to the author's remedy, it seems sufficient to say that it is to be brought about by a constitutional amendment, which seems to us a theoretical possibility but a practical impossibility, unless it can be made an issue between parties, which seems rather doubtful.

Mr. Dougherty is deserving of much credit for his masterly study and no student of history or politics can afford to neglect a careful reading of it.

EDWARD McMAHON.

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**The Flora of the State of Washington.** By Charles V. Piper. (Washington, D. C.; Smithsonian Institute. 1906. Pp. 637.)

While a flora of the state is not primarily historical in its nature, the appearance of this excellent work marks an epoch in the botany of the state and thus in the history of the state as well. Moreover, the author is one of the sons of Washington and the product of Washington's institutions, and history is measured by men and not by time.

In the preparation of this work Professor Piper has spent years visiting herbaria to examine specimens, hunting up old records to locate early collections, traveling back and forth through the state, visiting every mountain and valley, every nook and cranny. A state so diverse in its climatology needs careful study for a complete flora, and the book shows that this has been given.

Professor Piper is better fitted to write such a book than any other man. He was raised among Washington plants, and has been interested in them from his youth. He has lived in western Washington, getting his college training in the University of Washington, and among our trees and shrubs, collecting constantly far and wide. He has spent years in eastern Washington, in the state college as professor of biology, thus becoming familiar at first hand with the flora of the eastern section of the state. He then went into the department of agriculture, at Washington, D. C., thus getting near the great collections of the Smithsonian Institution at Washington, with the Gray Herbarium at Harvard, and with the Britton collection, at the New York Botanical Garden. His work in the department of agriculture also required travel, thus giving him opportunity of meeting noted local collectors and examining their collections. In every way the man has been prepared for the work, and the work shows it.